

REMARKS

In the Office Action mailed March 19, 2008, the Examiner noted that claims 1-10 were pending in the application and the Examiner rejected claims 1-10. Claims 1-10 have been amended and claim 11 has been added. Thus, claims 1-11 are pending in the application. The Examiner's rejections and objections are traversed below.

Certified Copy

A certified copy of the foreign priority application is being submitted herewith. It is requested that receipt of this certified copy be acknowledged by the Examiner.

Information Disclosure Statement

In items 3 and 4 on page 2 of the Office Action the Examiner stated that the information supplied with the Information Disclosure Statement filed March 19, 2007 has been placed in the application file but the information referred to therein has not been considered. In item 4 on page 2 of the Office Action the Examiner indicated that unless the references identified in the specification are submitted, they will not be considered.

An Information Disclosure Statement is being submitted herewith in order to provided the Examiner with copies of the documents identified in the specification and to resubmit the English portions of the documents submitted in the March 19, 2007 Information Disclosure Statement. It is requested that these English language documents be considered.

Rejection Under 35 USC § 101

In items 5 and 6 on page 3 of the Office Action the Examiner rejected claims 9 and 10 under 35 U. S. C. 101 as being directed to non-statutory subject matter. It is submitted that claims 9 and 10 as amended are in a form which meets the requirements of 35 U. S. C. 101.

Rejection Under 35 USC § 112

In items 7-10 on pages 3 and 4 of the Office Action the Examiner rejected claims 1-6 under 35 U. S. C. 112, as indefinite. Claims 1, 5, and 6 have been amended in an effort to improve their form. It is submitted that claims 1, 5 and 6 as amended meet the requirements of 35 U. S. C. 112.

Rejection Under 35 USC § 102

In item 12 on pages 4-7 of the Office Action the Examiner rejected claims 1-5 and 7-10 under 35 U. S. C. 102 as anticipated by U. S. Patent 5,963,919 to Brinkley et al.

U. S. Patent 5,963,919 to Brinkley et al. discusses a system and method for evaluating an inventory management strategy which combines multiple management strategies in a single inventory management system. The system analyzes the inventory portfolio on an item-by-item basis to assign the most suitable management strategy for that item (see abstract).

Figure 1 illustrates an inventory management system 100 which includes a computer 110 connected to a monitor 120, a keyboard 130, a mouse 140, and a printer 150 (column 3, lines 28-31). Figure 2 illustrates the components of computer 110 including a processor 200, an operating system 210, a general memory 220, a display memory 222, drivers 230, an inventory database 240, a MISER program 250, and a spreadsheet program 260. The MISER program 250 executes a process that inventory managers use to decide how to stock various items within a given inventory portfolio. The decision process involves considering a number of factors including historical trends, unit cost, set up costs, lead times, desired customer delivery assurances levels, and risks (column 3, line 65 to column 4, line 5).

Claim 1

Claim 1 is directed to an operations management policy distributing method for a computer network system having a plurality of clients. The method comprises specifying an inventory based upon hardware and software of a client to be managed upon receiving inventory information and retrieving from a database, operations management policies corresponding to various inventories. A policy list detailing operations management policies suited to the inventory specified by the inventory information is created, and sent to a manager. Upon receiving selection information indicating the selection of at least one operations management policy from the policy list, the specified operations management policy is retrieved from the database and transmitted to the client to be managed. As described in the first paragraph on page 6 of the Office Action, inventory information storage stores user names, hardware, operating system, OS version and level, software, software version and level, server type, computer names which uniquely specify clients, dates last updated and the like, so as to enable the inventory of a client to be specified.

The method of claim 1 seeks to overcome a problem in which the system manager is required to select a policy from among various policies based on his or her judgment, thereby making it difficult to select a policy suited to the system to be managed. Further, the policy distributed to the operations management server is not necessarily the most suitable policy.

Claim 1 overcomes the above-described problems because the policy list detailing operations management policies suited to the inventory of the client being managed is distributed and a system administrator needs only to select a required operations management policy from that list. As a result, the selected operations management policy is distributed and the policy is applied to the system to be managed. There is no need for the system administrator to define the operations management policy, or to select the operations management policy which he or she considers suitable for the client to be managed from a vast number of operations management policies. As a result, the work of the systems operations management is greatly reduced (see paragraph spanning pages 2 and 3 of the specification).

The Claims Patentably Distinguish Over Brinkley

Claim 1

As described above, the cited Brinkley et al. patent is directed to a system and method for evaluating an inventory management strategy which combines multiple management strategies in a single inventory management system. Thus, Brinkley is directed to management strategies for the inventory of products such as warehouse replenishment, fixed-rate supply, etc. (column 4, lines 21-34). The management system illustrates a single computer 110.

In contrast to Brinkley, the operations management policy distributing method of claim 1 is for a network system having a plurality of clients. Further, the features of claim 1 specify:

upon receiving inventory information specifying an inventory based upon one of hardware and software of a client to be managed, retrieving from a database, operations management policies corresponding to the specified inventory and creating a policy list detailing operations management policies suited to the inventory specified by said inventory information;

sending back the created policy list to a manager;

upon receiving selection information indicating the selection by the manager of at least one operations management policy from said created policy list, retrieving from said database, the operations management policy specified by said selection information; and

transmitting the retrieved operations management policy to the client to be managed.

Therefore it is submitted that claim 1 patentably distinguishes over Brinkley et al because Brinkley is related to inventory management of a business involved in the sale of goods or services and does not disclose at least one of the above elements. In particular, Brinkley fails to disclose **"selection by the manager of at least one operations management policy"**

because in Brinkley, col. 2, lines 48-51, Brinkley states that selection is automatic: "Finally the selecting means selects an appropriate **one** of the inventory management strategies for the inventory based on the result of the analysis." In addition, Brinkley fails to disclose "**inventory based upon one of hardware and software of a client to be managed**" because Brinkley discusses the "difficult[y] to maintain just enough inventory on stock that sustains a sufficient amount of stock to satisfactorily fulfill customers' order without over-stocking."

Claim 5

Claim 5 is directed to an operations management policy distributing method for a computer network system having a plurality of clients. The method includes:

upon receiving inventory information specifying **an inventory based upon one of hardware and software of a client to be managed**, retrieving from a database, operations management policies corresponding to the specified inventory and acquiring operations management policies suited to the inventory specified by said inventory information; and
sending back the acquired operations management **policies** to the client.

Therefore it is submitted that claim 5 patentably over Brinkley et al for reasons similar to those provided for claim 1 above because multiple policies are provided to the client.

Claim 7

Claim 7 is directed to an operations management policy distributing apparatus for a computer network system having a plurality of clients which comprises:

a database storing operations management policies corresponding to various inventories;

list creating means for, upon receiving inventory information specifying an inventory **based upon one of hardware and software** of a client to be managed, **retrieving policies from said database and creating a policy list detailing operations management policies suited to the inventory specified by said inventory information;**

list transmission means for transmitting the policy list created by said list creating means to a manager;

policy retrieving means for, **upon receiving selection information indicating the selection by the manager of at least one operations management policy from said policy list, retrieving from said database the operations management policy specified by said selection information;** and

policy transmission means for transmitting the operations management policy retrieved by said policy retrieving means to the client to be managed.

Therefore, it is submitted that claim 7 patentably distinguishes over Brinkley et al. for reasons

similar to those provided for claim 1 above, multiple policies are available to the manager for selection.

Claim 8

Claim 8 is directed to an operations management policy distributing apparatus for a computer network system having a plurality of clients which comprises:

- a database storing operations management policies corresponding to various inventories;

- policy retrieving means for, upon receiving inventory information specifying **an inventory based upon one of hardware and software of a client to be managed**, retrieving from said database, operations management policies suited to the inventory specified by said inventory information; and

- policy transmission means for transmitting the operations management **policies** retrieved by said policy retrieving means to the client to be managed.

Therefore, it is submitted that claim 8 patentably distinguishes over Brinkley et al. for reasons similar to those provided for claim 1 above, because multiple policies are provided to the client.

Claim 9

Claim 9 is directed to a computer readable storage for controlling a computer, comprising and operations and management policy distributing program for a computer network system having a plurality of clients, for executing on a computer a variety of functions including:

- a list creating function for, upon receiving **inventory information specifying an inventory based upon one of hardware and software of a client** to be managed, **retrieving from a database, storing operations management policies corresponding to the specified inventory** and creating a policy list detailing operations management policies suited to the inventory specified by said inventory information;

- a list transmission function for **transmitting the policy list created by said list creating function to a manager**;

- a policy retrieving function for, **upon receiving selection information indicating the selection by the manager of at least one operations management policy from said policy list**, retrieving from said database the operations management policy specified by said selection information; and

- a policy transmission function for transmitting the operations management policy retrieved by said policy retrieving function to the client to be managed.

Therefore, it is submitted that claim 9 patentably distinguishes over Brinkley et al. for reasons similar to those provided for claim 1 above, multiple policies are available to the manager for

selection.

Claim 10

Claim 10 is directed to a computer readable storage for controlling a computer, comprising an operations management policy distributing program for a computer network system having a plurality of clients, for executing on a computer, functions which include:

a policy acquiring function for, upon receiving inventory information specifying **an inventory based upon one of hardware and software of a client to be managed, retrieving from a database, storing operations management policies corresponding to the specified inventory** and acquiring a policy list detailing operations management policies suited to the inventory specified by said inventory information; and

a policy transmission function for transmitting the operations management **policies** acquired by said policy acquiring function.

Therefore, it is submitted that claim 10 patentably distinguishes over Brinkley et al. for reasons similar to those provided for claim 1 above, because multiple policies are provided to the client .

Claims 2-4

Claims 2-4 depend, directly or indirectly from claim 1 and include all the features of that claim plus additional features which are not taught or suggested by Brinkley. The dependent claims also recite additional features not taught or suggested by Brinkley et al. For example, claim 4 recites utilizing a usage frequency based upon "the number of references, the operating time and the number of applications of each of the operations management policies applied to said client to be managed" which is not taught or disclosed by Brinkley et al. Therefore, it is submitted that claim 2-4 patentably distinguish over Brinkley.

Rejections Under 35 USC § 103

In item 14 on pages 7 and 8 of the Office Action the Examiner rejected claim 6 as unpatentable over Brinkley in view of U. S. Patent 7,120,596 to Hoffman et al.

Claim 6 depends from claim 5 and includes all the features of that claim plus additional features. Further, the Hoffman et al. reference does not cure the deficiencies of Brinkley described above because Hoffman at col. 70, lines 6-42 discloses an access policy to define access rights and privileges for users, and does not teach or suggest "setting for each operations management policy whether or not a deletion is allowable, wherein said step of acquiring said operations management policies necessarily acquires those operations

management policies set as non-deletable policies regardless of their usage frequency” because deletion is not related to an access policy but rather to prevent deletion of “operations management policies suited to the inventory specified by said inventory information policy regardless of usage frequency.” (See independent claim 5, specification, page 5, para. [0079]).. Therefore, it is submitted that claim 6 patentably distinguishes over both Brinkley and Hoffman individually or in combination.

New Claim

For the reasons discussed above, applicant respectfully submits that new claim 11 is patentable over Brinkley and Hoffman, individually or in combination. Claim 11 is directed to a method of distributing a operations management policy to a plurality of clients in order to manage each client and recites:

receiving a configuration based upon one of hardware and software from each client to be managed;
retrieving from a database, operations management policies suited to each configuration and creating policy lists detailing operations management policies suited each configuration;
providing the created policy lists to a manager of the computer network system for a selection of one policies for each client to be managed, wherein the manager is provided with a policy rating based upon a number of clients operating under the corresponding policy, overall operation time of the corresponding policy among the plurality of clients, and a number of applications running on the client to be managed;
upon receiving the selection from the manager, retrieving from the database, the operations management policy specified by the selection; and
sending the retrieved operations management policy to each client to be managed.

Summary

It is submitted that none of the references either taken alone or in combination teach the present claimed invention. Therefore, it is submitted that claims 1-11 are in condition for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

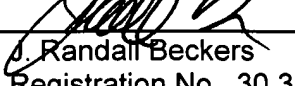
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

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Respectfully submitted,

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